IN HE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 19303 of 2006

Date of Decision: 07.12.2006

Ruldu Singh

… Petitioner

Versus

State of Punjab and others.

..Respondents

CORAM : HON'BLE MR. JUSTICE J.S. KHEHAR,
HON'BLE MR. JUSTICE S.D. ANAND.

Present : Mr. Girish Agnihotri, Advocate,
for the petitioner.

S.D. ANAND, J.

1. Illogical enough is the grievance of the petitioner that his transfer from Bathinda Canal Division, Bathinda, is actuated by bias vis-à-vis him on the part of respondent No.3 (Shri Sahdev Jindal, Executive Engineer, Irrigation Canal Division, Bathinda) who is, on the other hand, very favourably inclined towards respondent Nos. 4 to 6. That his placement at Bathinda Canal Division, Bathinda, was on his own request to enable him to look after his aged parents and that the impugned transfer is a plain daring to the relevant transfer policy of the Government are the two other premises urged by the petitioner to impugn the order under challenge. Also assailed, in the context, is the retention of officers with a longer stay at Bathinda Canal Division, Bathinda; while the shifting of the petitioner has been

ordered therefrom after he had been around only for a period of about one year.

2. There is not even an iota of material on the record of this case to indicate that the placement of the petitioner at Bathinda Canal Division, Bathinda, was on his own request to enable him to look after his aged parents, who were averred to be living all alone at Bathinda Canal Division, Bathinda. Even in the course of Annexure P/8, which is a representation addressed by the petitioner to the Sub Divisional Magistrate-cum-Election Registration Officer, III, Bathinda Assembly, no mention was made of the fact that his transfer at Bathinda Canal Division, Bathinda, was on his own request or that it was to enable him to look after his aged parents. The invocation aforementioned would appear to be relatable to the averment which will be noticed and discarded in the concluding paragraph of this order.

3. Transfer is an integral incident of public service. The presumption, in case of a transfer, is that it had been ordered in public interest or in exigency of service. In the absence of precise allegation of bias and acceptable material in support thereof, bias cannot be read into a transfer order, howsoever in-convenient it may practically be to an employee. Insofar as the transfer policy is concerned, it is not mandatory in effect. One may conceive of understandable departure therefrom in exigencies of public service. It would be in-appropriate to expect the competent authority to indicate the cause of every transfer ordered by it.

4. A vain attempt was also made to put forth a plea of transfer-invincibility by arguing that the petitioner is involved in the process of preparation of votes. Reliance, in support of the feebly advocated plea, was placed upon an averment to that effect in the course of Annexure P/8. The plea

raised is neither here nor there. The Election Commission guidelines provide for avoidance of transfer of indicated officials engaged in the performance of duty for revision of electoral rolls. The petitioner is not even averred to be an official of that category.

Dismissed.

(S.D. Anand)
Judge

December 07, 2006
vkd

(J.S. Khehar)
Judge